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June 1, 2023

Via ECF

Honorable Ronnie Abrams, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: Elfe v. 26 Motors Corp., et al., 22-CV-9385 (RA)

Dear Judge Abrams:

My office, together with my co-counsel, Thomas R. Breeden, Esq., represents the plaintiff, Glenn C. Elfe, in the above referenced case.

I am writing for two reasons: First, I have learned from skip-tracing that one of the named defendants, Moshe Pourad, is using a nickname and not his legal name. From a corporate filing for Defendant 26 Motors Corp. on the New York Secretary of State website, I have learned that his legal name is “Dayan Pourad” and not “Moshe Pourad,” which is the name that appears on Defendants’ website. This is confirmed through skip-tracing, which reveals that Dayan Pourad shows a person who recently moved with his wife to Bal Harbour, Florida, but shows no one with the name “Moshe Pourad.”

Because it makes little sense to amend the entire complaint to read “Dayan Pourad a/k/a Moshe Pourad,” Plaintiff requests that Your Honor enter an order correcting the name of the defendant to Dayan Pourad a/k/a Moshe Pourad and dispensing with the need to file a new complaint or for parties who have already answered to file a new answer. (Although I have asked the attorney for the auto dealerships, H. Nicholas Goodman, Esq., to confirm that Moshe Pourad is Dayan Pourad—which is something he should be able to confirm, since his name appears on the Secretary of State filing bearing Mr. Pourad’s name—he has not responded.)

Second, Plaintiff requests a 45-day extension of time to make service, because I have reason to believe that the defendants are ducking service. I had a process service attempt to make service on Defendant Yosef Ayzencot in Miami. When the process server arrived, he was told by a resident—who refused to give a name—that no one knew who that was. The process server noted the make, model and plate number of the motor vehicle parked in the driveway. A search revealed that the motor vehicle is registered in the name of Mr. Ayzencot and his wife and that the residence of the motor-vehicle owners is the house where service was attempted. Furthermore, real-estate records show that Mr. Ayzencot is paying the taxes on the property.

After I completed this additional research, I found photographs of Mr. Ayzencot and his wife online, gave the photos to the process server, and asked the process server to return to the premises and make service. Given the behavior of the resident in attempting to avoid service, however, I believe that it may take some time to make service.

The extension is also necessary, because I am waiting to hear back about the status of service of process on Defendant Aharon Benhamo on the Upper East Side and on Defendant Chino Germinal Lantigua in Florida.

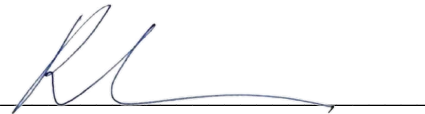
Respectfully,

/s/ Brian L. Bromberg
Brian L. Bromberg

cc: All Counsel of Record (Via ECF)

Application granted. The Clerk of Court is respectfully directed to amend the caption to change Defendant Moshe Pourad's name to "Dayan Pourad a/k/a Moshe Pourad." The extension to effectuate service is also granted.

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Hon. Ronnie Abrams
June 14, 2023